



David B. Cohen
Mayor

CITY OF NEWTON, MASSACHUSETTS

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Public Hearing Date:	October 6, 2009
Land Use Action Date:	December 15, 2009
Board of Aldermen Action Date:	December 21, 2009
90-Day Expiration Date:	January 4, 2010

DATE: October 2, 2009

TO: Board of Aldermen

FROM: Michael Kruse, Director of Planning and Development
Candace Havens, Chief Planner 
Alexandra Ananth, Senior Planner

SUBJECT: Petition # **246-09**, DOWN UNDER YOGA, LLC/J. ROBERT CASEY, TRUSTEE OF NEWTONVILLE AVENUE REALTY TRUST petition for a SPECIAL PERMIT/SITE PLAN APPROVAL for a parking waiver of 8 stalls in order to locate a yoga studio at 304-306 WALNUT STREET, Ward 2, NEWTONVILLE, on land known as Sec 22, Blk 5, Lot 33, zoned BUSINESS 1. Ref: Sec 30-24, 30-23, 30-19(m) of the City of Newton Rev Zoning Ord, 2007.

CC: Mayor David B. Cohen

The purpose of this memorandum is to provide the Board of Aldermen and the public with technical information and planning analysis which may be useful in the special permit decision making process of the Board of Aldermen. The Planning Department's intention is to provide a balanced view of the issues with the information it has at the time of the public hearing. There may be other information presented at or after the public hearing that the Land Use Committee of the Board of Aldermen will want to consider in its discussion at a subsequent Working Session.



304 - 306 Walnut Street
1000 Commonwealth Avenue, Newton, Massachusetts 02459
www.newtonma.gov

EXECUTIVE SUMMARY

The petitioner proposes to convert a basement area currently used by CVS in the Newtonville commercial area to an approximately 2,000 sq. ft. yoga studio. The *2007 Newton Comprehensive Plan* emphasizes the importance of supporting business activity in existing commercial areas such as Newtonville. The *Plan* also emphasizes vibrant village centers as a cornerstone of the quality of life in the city. An additional service establishment like Down Under Yoga would help increase the vitality of the Newtonville village center. It would provide an additional activity for existing users of the village, and it would likely draw additional customers to the area that would patronize other establishments in the area. The petitioner does not plan to provide any additional automobile parking and argues that patrons will use the available public parking and alternative methods of transportation. The petitioner plans to donate a bike rack to facilitate non-automotive access to the studio and to the commercial area in general. Planning Department staff finds the proposed use compatible and complementary to other uses in the village center and that public parking and alternative modes of travel for patrons should be satisfactory to meet the needs of this business.



Looking south along Walnut Street

I. SIGNIFICANT ISSUES FOR CONSIDERATION

When considering this request, the Board should determine if the following findings apply:

- The impact of additional activity in the Newtonville area without the provision of additional parking will not be detrimental to the other users of the district.
- The yoga studio as proposed will positively affect Newtonville by increasing the vitality of the commercial district.
- The addition of a bike rack will facilitate the use of non-automobile transportation by patrons of the Newtonville commercial area.

II. CHARACTERISTICS OF THE SITE AND NEIGHBORHOOD

A. Neighborhood and Zoning

The subject property is located in the heart of the Newtonville business district and is zoned Business 1. Both sides of Walnut Street in the vicinity of the property are lined with business, including several restaurants, coffee shops, and small-scale retail. The Shaw's supermarket on Austin Street, near Walnut Street, is the only large retail business in the vicinity. The Newtonville commercial area extends to the north side of the MassPike, with shops continuing along Walnut Street and along Washington Street. The commercial district is primarily surrounded by residences, and the new Newton North High School is currently under construction several blocks to the south down Walnut Street.

B. Site

The 13,824 sq. ft. site consists of two flat lots. The lot facing Walnut Street is 7,042 sq. ft. and is currently occupied by a one-story building that is rented in its entirety to CVS. Behind this lot, there is an adjacent 6,782 sq. ft. lot under common ownership. This rear lot is a surface parking lot that has access to Newtonville Avenue via a right of way over the adjacent property.

III. PROJECT DESCRIPTION AND ANALYSIS

A. Land Use

The petitioner proposes to convert a portion of the basement under CVS from retail (storage) space to a yoga studio. The petitioner proposes to hold classes primarily in the morning (9:30 a.m. and earlier) and the evening (5:30 p.m. and later). In addition, the studio offers two afternoon classes a week and one mid-morning Saturday class. This use is allowed by right in the Business 1 district.

B. Building and Site Design

The yoga studio will be entirely located in the basement of the building. The only exterior changed proposed is the replacement of the existing metal door along Walnut Street with a glass door. The primary access to the yoga studio will be through this door. The yoga studio will include 1906 sq. ft. of space.

C. Parking and Circulation

Although there is parking on the surface lot behind CVS, the petitioner does not plan to use any of those spaces for customers or employees because they are already used by other businesses. The petitioner is seeking a waiver for all eight spaces that are required by the City's Zoning Ordinance for this use. The petitioner argues that there is sufficient available automobile parking in the vicinity and that many patrons will use alternate modes of transportation.

The petitioner conducted a survey of parking in the vicinity (*ATTACHMENT "C"*) to assess the availability of existing public parking during the times the yoga studio will be operating. The petitioner reports over 250 parking stalls available within ¼ mile of the proposed studio during all of the times surveyed. These spaces include on-

	Average Number of Spots Available Within .25 Mile of Proposed Studio			
	Morning	Lunchtime	Evening	Nighttime
Walnut Street (2 hr)	29	26.4	27	36.5
Bowers Street (2 hr)	21	19.8	24	23.5
Washington Street (2 hr)	52	50.4	49	35.5
Parking Lot (3 hr)	29	27.8	29	30.5
Parking Lot (12 hr)	37	43.2	49.3	32
Newtonville Ave (2 hr)	29	29.4	25	27.5
Washington Park (2 hr)	11.4	10.6	11.3	12
Washington Park (3 hr)	42.1	41.4	42.7	40.5
Madison Avenue (2 hr)	n/a	33.8	32	31.5
Total Space available	250.5	282.8	289.3	269.5

street parking and parking at the Austin Street municipal lot. Because yoga classes are longer than one hour, the study excluded all spaces limited to one-hour. The petitioner notes that, even if the Austin Street lot were to become unavailable, the remaining spaces would be sufficient for the yoga studio's demand.

Although the Planning Department believes that it is not realistic to expect patrons to use spaces throughout the entire area outlined by the petitioner, the Planning Department concurs that there should be a sufficient supply of public parking available during the proposed class times.

The petitioner also argues that a significant number of patrons will arrive by foot or by bike. Because there is a dearth of formal bike parking in Newtonville, the petitioner has offered to donate a bicycle rack for use in the vicinity. The Planning Department supports the installation of a bike rack. ***The Planning Department recommends that the petitioner work with the property owner at 288 Walnut Street to consider the installation of a bike rack in the open space at the corner of Newtonville Avenue and Walnut Street.*** A bike rack at this location would serve yoga patrons and would provide a significant benefit to other users of the commercial area. If not available, a suitable location on the subject property or nearby public property should be found.

Several MBTA buses travel along Walnut Street and Washington Street and further justify a reduction in the requirements for automobile parking in this neighborhood.

C. Landscape Screening, Lighting, and Signage

The petitioner has not proposed any landscape screening, exterior lighting, or signage at this time. ***The Planning Department recommends that any signage associated with the yoga studio be subject to review by the Urban Design Committee and approval of the Director of Planning and Development.***

IV. COMPREHENSIVE PLAN

The 2007 Newton Comprehensive Plan emphasizes the importance of supporting business activity in existing commercial areas such as Newtonville. The Plan also

business activity in existing commercial areas such as Newtonville. The *Plan* also emphasizes vibrant village centers as a cornerstone of quality of life in the city. An additional service establishment like Down Under Yoga would help increase the vitality of the Newtonville village center. This new use would provide an additional potential activity for existing users of the village, and it would likely draw additional customers to the area that would then patronize other establishments in the area.

V. TECHNICAL REVIEW

- A. Technical Considerations (Section 30-15). The Zoning Review Memorandum, dated August 31, 2009 (*SEE ATTACHMENT "D"*), provides an analysis of the project with regards to the City's zoning regulations. No exterior construction is proposed and therefore a review of the dimensional regulations in 30-15 is not necessary.
- B. Parking Requirements (Section 30-19). The Zoning Review Memorandum provides an analysis of the proposal with regard to Section 30-19. The petitioners are seeking a waiver of eight required parking spaces in order to accommodate the proposed fit out of an existing basement for use as a yoga studio.

VI. ZONING RELIEF SOUGHT

The petitioner is seeking approval through or relief from:

- Section 30-19(d)(10) and (m), to waive eight required parking spaces;
- Section 30-23, for site plan approval; and
- Section 30-24, for approval of a special permit.

VII. SUMMARY OF PETITIONER'S RESPONSIBILITIES

This petition is currently complete.

ATTACHMENTS

ATTACHMENT A: *Zoning Map*

ATTACHMENT B: *Land Use Map*

ATTACHMENT C: *Parking Survey, dated September 29, 2009*

ATTACHMENT D: *Zoning Review Memorandum, dated August 31, 2009*

Zoning Map

304-306 Walnut St.
and Vicinity

City of Newton,
Massachusetts

Legend	
	Building Outlines
	Single Res. 1
	Single Res. 2
	Single Res. 3
	Business 1
	Business 2
	Business 4
	Business 5
	Limited Manufacturing
	Manufacturing
	Multi-Res. 1
	Multi-Res. 2
	Multi-Res. 3
	Multi-Res. 4
	Mixed Use 1
	Mixed Use 2
	OS/Rec.
	Public Use

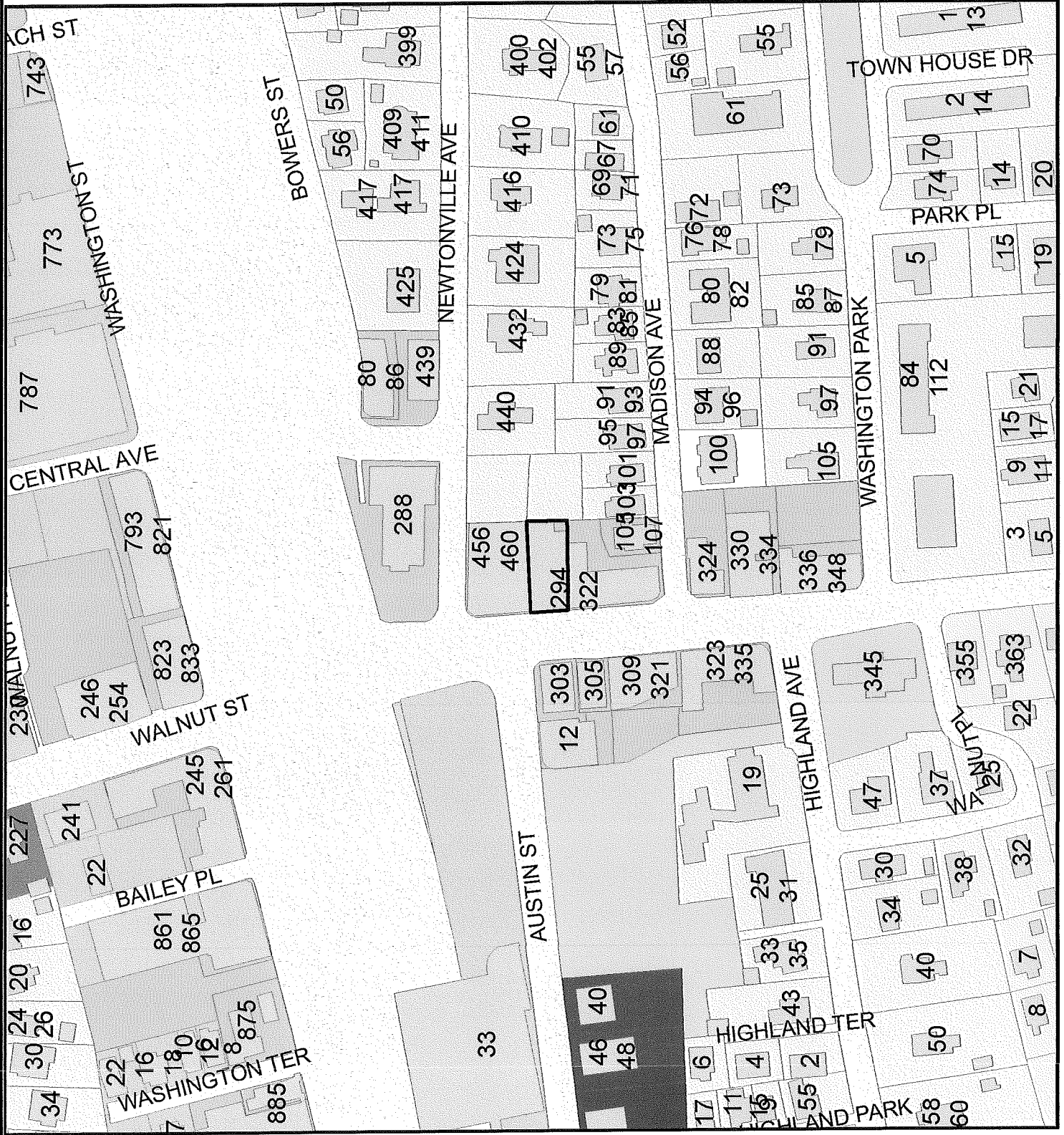
ATTACHMENT A



The information on this Geographic Information System cannot guarantee information. Each user for determining its suitability. City departments approve applications.

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MAP DATE: 5/1



Land Use Map

304-306 Walnut St.
and Vicinity

City of Newton,
Massachusetts

Legend

- Building Outlines
- Single Family Residential
- Two Family Residential
- Condominiums
- Other Residential
- Mixed Use
- Commercial
- Industrial
- Vacant Land
- Golf Course
- Open Space
- Private Educational
- Nonprofit Organizations
- Public Housing
- Tax Exempt
- Unspecified

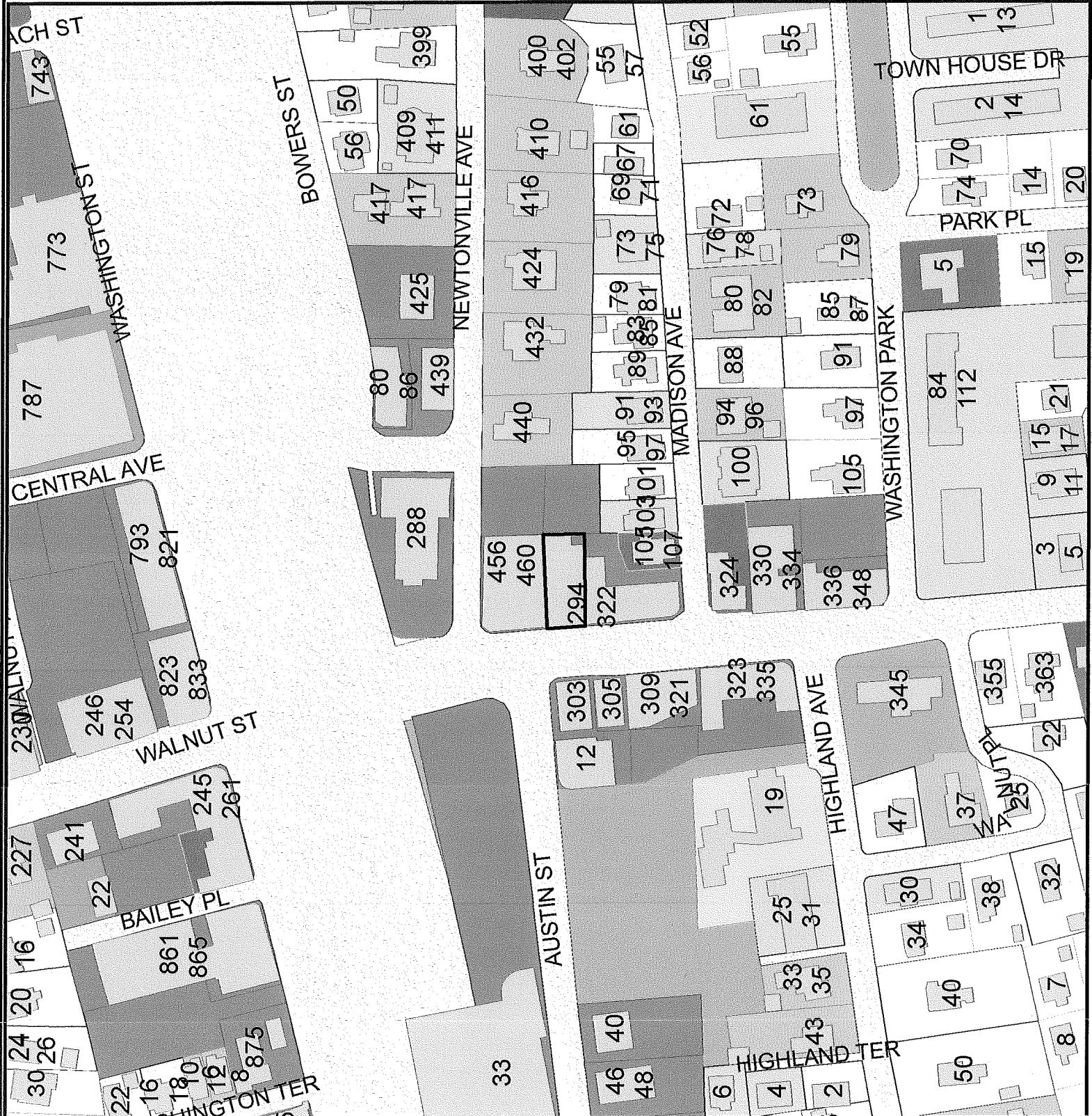
ATTACHMENT B



The information on this Geographic Information System (GIS) map is for informational purposes only. The City of Newton cannot guarantee the accuracy of the information. Each user is responsible for determining the suitability of the information for their purpose. City departments may not approve applications based on this information.

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MAP DATE: Sep 1, 2011



PARKING SURVEY
DOWN UNDER YOGA, LLC

304-306 WALNUT STREET
NEWTONVILLE, MA 02460

September 29, 2009

SUMMARY

Method:

Actual available parking spots were counted over a two-week period between September 14, 2009 and September 26, 2009. Spots were periodically counted within a ¼ mile radius of 304-306 Walnut Street, Newtonville, MA. Parking availability was recorded during four general periods of the day coinciding with normal yoga sessions provided by Down Under Yoga, LLC. The four general periods are:

- 1) Morning: Approximately 9:15 A.M.
- 2) Lunchtime: Approximately 12:15 P.M. to 12:45 P.M.
- 3) Evening: Approximately 5:15 P.M. to 5:30 P.M.
- 4) Nighttime: Approximately 7:30 P.M.

The survey only includes legal parking spots that are signed for two-hour parking in the ¼ mile area around 304-306 Walnut Street. *Because the typical yoga session is in excess of sixty minutes, no one-hour spots were included in the survey results, although over seventy-five (75) one-hour spots were counted available at each time period.*

The parking survey included six (6) public streets and the public parking lot across from the Shaw's Supermarket. Recent public reports indicate that the public parking lot may be developed and unavailable for parking in the future. Therefore, this report calculates the total number of available two-hour parking spots with and without inclusion of the public parking lot. A general description of the weather conditions at the time of the survey was also recorded.

The survey was conducted by Jeffrey Cohen, a Newton resident residing at 115 Carver Rd. Mr. Cohen is a federal prosecutor working for the U.S. Attorney's Office in Boston. The survey was also conducted by Iris Shore, a nanny for many Newton families who has lived in either Newton or Brookline for over 20 years.

Results:

The results below are found by calculating the average number of available parking spots of two-hours or more during each time period (morning, lunchtime, evening, and night) for each street surveyed within ¼ mile of 304-306 Walnut Street, Newtonville. Actual data is attached.

Average Total Morning Spots Available (including public parking lot):	250 out of 433
Average Total Lunchtime Spots Available (including public parking lot):	283 out of 433
Average Total Evening Spots Available (including public parking lot):	289 out of 433
Average Total Nighttime Spots Available (including public parking lot):	270 out of 433

Average Total Morning Spots Available (excluding public parking lot):	184 out of 303
Average Total Lunchtime Spots Available (excluding public parking lot):	212 out of 303
Average Total Evening Spots Available (excluding public parking lot):	211 out of 303

Average Total Nighttime Spots Available (excluding public parking lot): 207 out of 303

WALNUT STREET (2 HR) (between Washington Park and Page Rd.)

<u>Date</u>	<u>Time</u>	<u>Weather</u>	<u>Number of Available Spots</u>	<u>Total Parking Spots</u>	<u>Percentage Available</u>
Monday, September 14, 2009	9:15 A.M.	Cloudy	31	40	77.5%
Monday, September 14, 2009	12:30 P.M.	Cloudy	28	40	70.0%
Tuesday, September 15, 2009	9:15 A.M.	Partly Sunny	27	40	67.5%
Tuesday, September 15, 2009	7:30 P.M.	Dark	36	40	90.0%
Wednesday, September 16, 2009	9:15 A.M.	Cloudy	16	40	40.0%
Wednesday, September 16, 2009	5:15 P.M.	Cloudy	25	40	62.5%
Thursday, September 17, 2009	9:15 A.M.	Cloudy	29	40	72.5%
Friday, September 18, 2009	9:15 A.M.	Partly Sunny	32	40	80.0%
Friday, September 18, 2009	5:30 P.M.	Partly Sunny	31	40	77.5%
Saturday, September 19, 2009	9:15 A.M.	Sunny	31	40	77.5%
Saturday, September 19, 2009	12:30 P.M.	Sunny	27	40	67.5%
Sunday, September 20, 2009	9:15 A.M.	Sunny	28	40	70.0%
Monday, September 21, 2009	9:15 A.M.	Partly Cloudy	20	40	50.0%
Tuesday, September 22, 2009	9:15 A.M.	Sunny	35	40	87.5%
Wednesday, September 23, 2009	12:45 P.M.	Sunny	22	40	55.0%
Wednesday, September 23, 2009	9:15 A.M.	Partly Sunny	31	40	77.5%
Thursday, September 24, 2009	9:15 A.M.	Partly Cloudy	27	40	67.5%
Thursday, September 24, 2009	12:15 P.M.	Partly Cloudy	21	40	52.5%
Thursday, September 24, 2009	5:15 P.M.	Cloudy	25	40	62.5%
Thursday, September 24, 2009	7:30 P.M.	Dark	37	40	92.5%
Friday, September 25, 2009	9:15 A.M.	Sunny	30	40	75.0%
Saturday, September 26, 2009	9:15 A.M.	Sunny	35	40	87.5%
Saturday, September 26, 2009	12:30 P.M.	Sunny	34	40	85.0%
Sunday, September 27, 2009	9:15 A.M.	Sunny	33	40	82.5%
Combined Average of Available Spots			28.8		
Avg. Morning Spots Available			29		
Avg. Lunchtime Spots Available			26.4		
Avg. Evening Spots Available			27		
Avg. Nighttime Spots Available			36.5		

BOWERS STREET (2 HR) (between Newtonville Ave. and Harvard St.)

<u>Date</u>	<u>Time</u>	<u>Weather</u>	<u>Number of Available Spots</u>	<u>Total Parking Spots</u>	<u>Percentage Available</u>
Monday, September 14, 2009	9:15 A.M.	Cloudy	21	28	75.0%
Monday, September 14, 2009	12:30 P.M.	Cloudy	20	28	71.4%
Tuesday, September 15, 2009	9:15 A.M.	Partly Sunny	24	28	85.7%
Tuesday, September 15, 2009	7:30 P.M.	Dark	24	28	85.7%
Wednesday, September 16, 2009	9:15 A.M.	Cloudy	18	28	64.3%
Wednesday, September 16, 2009	5:15 P.M.	Cloudy	24	28	85.7%
Thursday, September 17, 2009	9:15 A.M.	Cloudy	21	28	75.0%
Friday, September 18, 2009	9:15 A.M.	Partly Sunny	20	28	71.4%
Friday, September 18, 2009	5:30 P.M.	Partly Sunny	28	28	100.0%
Saturday, September 19, 2009	9:15 A.M.	Sunny	21	28	75.0%
Saturday, September 19, 2009	12:30 P.M.	Sunny	19	28	67.9%
Sunday, September 20, 2009	9:15 A.M.	Sunny	20	28	71.4%
Monday, September 21, 2009	9:15 A.M.	Partly Cloudy	21	28	75.0%
Tuesday, September 22, 2009	9:15 A.M.	Sunny	22	28	78.6%
Wednesday, September 23, 2009	12:45 P.M.	Sunny	24	28	85.7%
Wednesday, September 23, 2009	9:15 A.M.	Partly Sunny	25	28	89.3%
Thursday, September 24, 2009	9:15 A.M.	Partly Cloudy	19	28	67.9%
Thursday, September 24, 2009	12:15 P.M.	Partly Cloudy	17	28	60.7%
Thursday, September 24, 2009	5:15 P.M.	Cloudy	20	28	71.4%
Thursday, September 24, 2009	7:30 P.M.	Dark	23	28	82.1%
Friday, September 25, 2009	9:15 A.M.	Sunny	21	28	75.0%
Saturday, September 26, 2009	9:15 A.M.	Sunny	22	28	78.6%
Saturday, September 26, 2009	12:30 P.M.	Sunny	19	28	67.9%
Sunday, September 27, 2009	9:15 A.M.	Sunny	23	28	82.1%

Combined Average of Available Spots

21.5

Avg. Morning Spots Available
Avg. Lunchtime Spots Available
Avg. Evening Spots Available
Avg. Nighttime Spots Available

21
19.8
24
23.5

WASHINGTON STREET (2 HR) (between Beach St. and Bailey Pl.)

<u>Date</u>	<u>Time</u>	<u>Weather</u>	<u>Number of Available Spots</u>	<u>Total Parking Spots</u>	<u>Percentage Available</u>
Monday, September 14, 2009	9:15 A.M.	Cloudy	57	95	60.0%
Monday, September 14, 2009	12:30 P.M.	Cloudy	45	95	47.4%
Tuesday, September 15, 2009	9:15 A.M.	Partly Sunny	52	95	54.7%
Tuesday, September 15, 2009	7:30 P.M.	Dark	31	95	32.6%
Wednesday, September 16, 2009	9:15 A.M.	Cloudy	34	95	35.8%
Wednesday, September 16, 2009	5:15 P.M.	Cloudy	44	95	46.3%
Thursday, September 17, 2009	9:15 A.M.	Cloudy	56	95	58.9%
Friday, September 18, 2009	9:15 A.M.	Partly Sunny	49	95	51.6%
Friday, September 18, 2009	5:30 P.M.	Partly Sunny	61	95	64.2%
Saturday, September 19, 2009	9:15 A.M.	Sunny	65	95	68.4%
Saturday, September 19, 2009	12:30 P.M.	Sunny	60	95	63.2%
Sunday, September 20, 2009	9:15 A.M.	Sunny	35	95	36.8%
Monday, September 21, 2009	9:15 A.M.	Partly Cloudy	47	95	49.5%
Tuesday, September 22, 2009	9:15 A.M.	Sunny	42	95	44.2%
Wednesday, September 23, 2009	12:45 P.M.	Sunny	51	95	53.7%
Wednesday, September 23, 2009	9:15 A.M.	Partly Sunny	55	95	57.9%
Thursday, September 24, 2009	9:15 A.M.	Partly Cloudy	49	95	51.6%
Thursday, September 24, 2009	12:15 P.M.	Partly Cloudy	37	95	38.9%
Thursday, September 24, 2009	5:15 P.M.	Cloudy	42	95	44.2%
Thursday, September 24, 2009	7:30 P.M.	Dark	40	95	42.1%
Friday, September 25, 2009	9:15 A.M.	Sunny	56	95	58.9%
Saturday, September 26, 2009	9:15 A.M.	Sunny	62	95	65.3%
Saturday, September 26, 2009	12:30 P.M.	Sunny	59	95	62.1%
Sunday, September 27, 2009	9:15 A.M.	Sunny	66	95	69.5%

Combined Average of Available Spots

49.8

Avg. Morning Spots Available

52

Avg. Lunchtime Spots Available

50.4

Avg. Evening Spots Available

49

Avg. Nighttime Spots Available

35.5

PARKING LOT (3 HR)

<u>Date</u>	<u>Time</u>	<u>Weather</u>	<u>Number of Available Spots</u>	<u>Total Parking Spots</u>	<u>Percentage Available</u>
Monday, September 14, 2009	9:15 A.M.	Cloudy	29	54	53.7%
Monday, September 14, 2009	12:30 P.M.	Cloudy	25	54	46.3%
Tuesday, September 15, 2009	9:15 A.M.	Partly Sunny	17	54	31.5%
Tuesday, September 15, 2009	7:30 P.M.	Dark	26	54	48.1%
Wednesday, September 16, 2009	9:15 A.M.	Cloudy	25	54	46.3%
Wednesday, September 16, 2009	5:15 P.M.	Cloudy	29	54	53.7%
Thursday, September 17, 2009	9:15 A.M.	Cloudy	41	54	75.9%
Friday, September 18, 2009	9:15 A.M.	Partly Sunny	24	54	44.4%
Friday, September 18, 2009	5:30 P.M.	Partly Sunny	32	54	59.3%
Saturday, September 19, 2009	9:15 A.M.	Sunny	30	54	55.6%
Saturday, September 19, 2009	12:30 P.M.	Sunny	26	54	48.1%
Sunday, September 20, 2009	9:15 A.M.	Sunny	19	54	35.2%
Monday, September 21, 2009	9:15 A.M.	Partly Cloudy	27	54	50.0%
Tuesday, September 22, 2009	9:15 A.M.	Sunny	24	54	44.4%
Wednesday, September 23, 2009	12:45 P.M.	Sunny	31	54	57.4%
Wednesday, September 23, 2009	9:15 A.M.	Partly Sunny	39	54	72.2%
Thursday, September 24, 2009	9:15 A.M.	Partly Cloudy	21	54	38.9%
Thursday, September 24, 2009	12:15 P.M.	Partly Cloudy	25	54	46.3%
Thursday, September 24, 2009	5:15 P.M.	Cloudy	26	54	48.1%
Thursday, September 24, 2009	7:30 P.M.	Dark	35	54	64.8%
Friday, September 25, 2009	9:15 A.M.	Sunny	37	54	68.5%
Saturday, September 26, 2009	9:15 A.M.	Sunny	33	54	61.1%
Saturday, September 26, 2009	12:30 P.M.	Sunny	32	54	59.3%
Sunday, September 27, 2009	9:15 A.M.	Sunny	36	54	66.7%

Combined Average of Available Spots

28.7

Avg. Morning Spots Available

29

Avg. Lunchtime Spots Available

27.8

Avg. Evening Spots Available

29

Avg. Nighttime Spots Available

30.5

304-306 Walnut Street
Parking Survey

PARKING LOT (12 HR)

<u>Date</u>	<u>Time</u>	<u>Weather</u>	<u>Number of Available Spots</u>	<u>Total Parking Spots</u>	<u>Percentage Available</u>
Monday, September 14, 2009	9:15 A.M.	Cloudy	36	76	47.4%
Monday, September 14, 2009	12:30 P.M.	Cloudy	34	76	44.7%
Tuesday, September 15, 2009	9:15 A.M.	Partly Sunny	29	76	38.2%
Tuesday, September 15, 2009	7:30 P.M.	Dark	28	76	36.8%
Wednesday, September 16, 2009	9:15 A.M.	Cloudy	31	76	40.8%
Wednesday, September 16, 2009	5:15 P.M.	Cloudy	70	76	92.1%
Thursday, September 17, 2009	9:15 A.M.	Cloudy	36	76	47.4%
Friday, September 18, 2009	9:15 A.M.	Partly Sunny	27	76	35.5%
Friday, September 18, 2009	5:30 P.M.	Partly Sunny	41	76	53.9%
Saturday, September 19, 2009	9:15 A.M.	Sunny	46	76	60.5%
Saturday, September 19, 2009	12:30 P.M.	Sunny	52	76	68.4%
Sunday, September 20, 2009	9:15 A.M.	Sunny	27	76	35.5%
Monday, September 21, 2009	9:15 A.M.	Partly Cloudy	28	76	36.8%
Tuesday, September 22, 2009	9:15 A.M.	Sunny	30	76	39.5%
Wednesday, September 23, 2009	12:45 P.M.	Sunny	31	76	40.8%
Wednesday, September 23, 2009	9:15 A.M.	Partly Sunny	38	76	50.0%
Thursday, September 24, 2009	9:15 A.M.	Partly Cloudy	34	76	44.7%
Thursday, September 24, 2009	12:15 P.M.	Partly Cloudy	40	76	52.6%
Thursday, September 24, 2009	5:15 P.M.	Cloudy	37	76	48.7%
Thursday, September 24, 2009	7:30 P.M.	Dark	36	76	47.4%
Friday, September 25, 2009	9:15 A.M.	Sunny	38	76	50.0%
Saturday, September 26, 2009	9:15 A.M.	Sunny	57	76	75.0%
Saturday, September 26, 2009	12:30 P.M.	Sunny	59	76	77.6%
Sunday, September 27, 2009	9:15 A.M.	Sunny	64	76	84.2%
Combined Average of Available Spots			39.5		
Avg. Morning Spots Available			37		
Avg. Lunchtime Spots Available			43.2		
Avg. Evening Spots Available			49.3		
Avg. Nighttime Spots Available			32		

NEWTONVILLE AVE (2 HR) (between Walnut St. and Harvard St.)

<u>Date</u>	<u>Time</u>	<u>Weather</u>	<u>Number of Available Spots</u>	<u>Total Parking Spots</u>	<u>Percentage Available</u>
Monday, September 14, 2009	9:15 A.M.	Cloudy	35	40	87.5%
Monday, September 14, 2009	12:30 P.M.	Cloudy	32	40	80.0%
Tuesday, September 15, 2009	9:15 A.M.	Partly Sunny	26	40	65.0%
Tuesday, September 15, 2009	7:30 P.M.	Dark	21	40	52.5%
Wednesday, September 16, 2009	9:15 A.M.	Cloudy	27	40	67.5%
Wednesday, September 16, 2009	5:15 P.M.	Cloudy	20	40	50.0%
Thursday, September 17, 2009	9:15 A.M.	Cloudy	30	40	75.0%
Friday, September 18, 2009	9:15 A.M.	Partly Sunny	27	40	67.5%
Friday, September 18, 2009	5:30 P.M.	Partly Sunny	32	40	80.0%
Saturday, September 19, 2009	9:15 A.M.	Sunny	33	40	82.5%
Saturday, September 19, 2009	12:30 P.M.	Sunny	34	40	85.0%
Sunday, September 20, 2009	9:15 A.M.	Sunny	20	40	50.0%
Monday, September 21, 2009	9:15 A.M.	Partly Cloudy	25	40	62.5%
Tuesday, September 22, 2009	9:15 A.M.	Sunny	24	40	60.0%
Wednesday, September 23, 2009	12:45 P.M.	Sunny	24	40	60.0%
Wednesday, September 23, 2009	9:15 A.M.	Partly Sunny	25	40	62.5%
Thursday, September 24, 2009	9:15 A.M.	Partly Cloudy	27	40	67.5%
Thursday, September 24, 2009	12:15 P.M.	Partly Cloudy	26	40	65.0%
Thursday, September 24, 2009	5:15 P.M.	Cloudy	23	40	57.5%
Thursday, September 24, 2009	7:30 P.M.	Dark	34	40	85.0%
Friday, September 25, 2009	9:15 A.M.	Sunny	35	40	87.5%
Saturday, September 26, 2009	9:15 A.M.	Sunny	34	40	85.0%
Saturday, September 26, 2009	12:30 P.M.	Sunny	31	40	77.5%
Sunday, September 27, 2009	9:15 A.M.	Sunny	36	40	90.0%

Combined Average of Available Spots

28.4

Avg. Morning Spots Available

29

Avg. Lunchtime Spots Available

29.4

Avg. Evening Spots Available

25

Avg. Nighttime Spots Available

27.5

WASHINGTON PARK (2 HR) (between Walnut St. and Harvard St.)

<u>Date</u>	<u>Time</u>	<u>Weather</u>	<u>Number of Available Spots</u>	<u>Total Parking Spots</u>	<u>Percentage Available</u>
Monday, September 14, 2009	9:15 A.M.	Cloudy	12	13	92.3%
Monday, September 14, 2009	12:30 P.M.	Cloudy	10	13	76.9%
Tuesday, September 15, 2009	9:15 A.M.	Partly Sunny	11	13	84.6%
Tuesday, September 15, 2009	7:30 P.M.	Dark	12	13	92.3%
Wednesday, September 16, 2009	9:15 A.M.	Cloudy	12	13	92.3%
Wednesday, September 16, 2009	5:15 P.M.	Cloudy	12	13	92.3%
Thursday, September 17, 2009	9:15 A.M.	Cloudy	11	13	84.6%
Friday, September 18, 2009	9:15 A.M.	Partly Sunny	10	13	76.9%
Friday, September 18, 2009	5:30 P.M.	Partly Sunny	10	13	76.9%
Saturday, September 19, 2009	9:15 A.M.	Sunny	12	13	92.3%
Saturday, September 19, 2009	12:30 P.M.	Sunny	12	13	92.3%
Sunday, September 20, 2009	9:15 A.M.	Sunny	13	13	100.0%
Monday, September 21, 2009	9:15 A.M.	Partly Cloudy	10	13	76.9%
Tuesday, September 22, 2009	9:15 A.M.	Sunny	9	13	69.2%
Wednesday, September 23, 2009	12:45 P.M.	Sunny	10	13	76.9%
Wednesday, September 23, 2009	9:15 A.M.	Partly Sunny	12	13	92.3%
Thursday, September 24, 2009	9:15 A.M.	Partly Cloudy	11	13	84.6%
Thursday, September 24, 2009	12:15 P.M.	Partly Cloudy	10	13	76.9%
Thursday, September 24, 2009	5:15 P.M.	Cloudy	12	13	92.3%
Thursday, September 24, 2009	7:30 P.M.	Dark	12	13	92.3%
Friday, September 25, 2009	9:15 A.M.	Sunny	11	13	84.6%
Saturday, September 26, 2009	9:15 A.M.	Sunny	13	13	100.0%
Saturday, September 26, 2009	12:30 P.M.	Sunny	11	13	84.6%
Sunday, September 27, 2009	9:15 A.M.	Sunny	12	13	92.3%

Combined Average of Available Spots

11.3

Avg. Morning Spots Available 11.4
 Avg. Lunchtime Spots Available 10.6
 Avg. Evening Spots Available 11.3
 Avg. Nighttime Spots Available 12

WASHINGTON PARK (3 HR) (between Walnut St. and Harvard St.)

<u>Date</u>	<u>Time</u>	<u>Weather</u>	<u>Number of Available Spots</u>	<u>Total Parking Spots</u>	<u>Percentage Available</u>
Monday, September 14, 2009	9:15 A.M.	Cloudy	42	47	89.4%
Monday, September 14, 2009	12:30 P.M.	Cloudy	41	47	87.2%
Tuesday, September 15, 2009	9:15 A.M.	Partly Sunny	43	47	91.5%
Tuesday, September 15, 2009	7:30 P.M.	Dark	40	47	85.1%
Wednesday, September 16, 2009	9:15 A.M.	Cloudy	42	47	89.4%
Wednesday, September 16, 2009	5:15 P.M.	Cloudy	42	47	89.4%
Thursday, September 17, 2009	9:15 A.M.	Cloudy	42	47	89.4%
Friday, September 18, 2009	9:15 A.M.	Partly Sunny	41	47	87.2%
Friday, September 18, 2009	5:30 P.M.	Partly Sunny	44	47	93.6%
Saturday, September 19, 2009	9:15 A.M.	Sunny	43	47	91.5%
Saturday, September 19, 2009	12:30 P.M.	Sunny	44	47	93.6%
Sunday, September 20, 2009	9:15 A.M.	Sunny	42	47	89.4%
Monday, September 21, 2009	9:15 A.M.	Partly Cloudy	41	47	87.2%
Tuesday, September 22, 2009	9:15 A.M.	Sunny	44	47	93.6%
Wednesday, September 23, 2009	12:45 P.M.	Sunny	43	47	91.5%
Wednesday, September 23, 2009	9:15 A.M.	Partly Sunny	44	47	93.6%
Thursday, September 24, 2009	9:15 A.M.	Partly Sunny	45	47	95.7%
Thursday, September 24, 2009	12:15 P.M.	Partly Cloudy	40	47	85.1%
Thursday, September 24, 2009	5:15 P.M.	Cloudy	42	47	89.4%
Thursday, September 24, 2009	7:30 P.M.	Dark	41	47	87.2%
Friday, September 25, 2009	9:15 A.M.	Sunny	41	47	87.2%
Saturday, September 26, 2009	9:15 A.M.	Sunny	40	47	85.1%
Saturday, September 26, 2009	12:30 P.M.	Sunny	39	47	83.0%
Sunday, September 27, 2009	9:15 A.M.	Sunny	39	47	83.0%

Combined Average of Available Spots

41.9

Avg. Morning Spots Available

42.1

Avg. Lunchtime Spots Available

41.4

Avg. Evening Spots Available

42.7

Avg. Nighttime Spots Available

40.5

MADISON AVE (2 HR) (between Walnut St. and Harvard St.)

<u>Date</u>	<u>Time</u>	<u>Weather</u>	<u>Number of Available Spots</u>	<u>Total Parking Spots</u>	<u>Percentage Available</u>
Monday, September 14, 2009	12:30 P.M.	Cloudy	31	40	77.5%
Tuesday, September 15, 2009	7:30 P.M.	Dark	33	40	82.5%
Wednesday, September 16, 2009	5:15 P.M.	Cloudy	32	40	80.0%
Friday, September 18, 2009	5:30 P.M.	Partly Sunny	31	40	77.5%
Saturday, September 19, 2009	12:30 P.M.	Sunny	33	40	82.5%
Wednesday, September 23, 2009	12:45 P.M.	Sunny	34	40	85.0%
Thursday, September 24, 2009	12:15 P.M.	Partly Cloudy	37	40	92.5%
Thursday, September 24, 2009	5:15 P.M.	Cloudy	33	40	82.5%
Thursday, September 24, 2009	7:30 P.M.	Dark	30	40	75.0%
Saturday, September 26, 2009	12:30 P.M.	Sunny	34	40	85.0%

NOTE: No parking on Madison between 7 AM and 10 AM

Combined Average of Available Spo 32.8

Avg. Lunchtime Spots Available 33.8
 Avg. Evening Spots Available 32
 Avg. Nighttime Spots Available 31.5

Zoning Review Memorandum

Dt: August 31, 2009

To: John Lojek, Commissioner of Inspectional Services

Fr: Eve Tapper, Chief Zoning Code Official *ET*
Candace Havens, Chief Planner

Cc: Michael Kruse, Director, Department of Planning and Development
Stephen J. Buchbinder, representing Down Under Yoga, LLC
Ouida Young, Associate City Solicitor

RE: Request to waive eight parking spaces.

Applicant: Down Under Yoga, LLC

Site: 304-306 Walnut Street	SBL: Section 22, Block 5, Lot 33
Zoning: BU-1	Lot Area: 7,042 square feet
Current use: Vacant space in retail building	Proposed use: Yoga studio

Background:

The subject property consists of a 7,042 square foot lot currently improved with a commercial building with retail on the first floor (CVS). The proponent would like to fit out the basement of the building, previously used only as storage space, for a yoga studio. The following review is based on plans and materials received to date as noted below.

Administrative determinations:

1. The property is located in the BU-1 zone. The proposed new use, a yoga studio, is allowed in this zone by right per Section 30-11(a)(6).
2. Per Section 30-19(d)(10), the existing and proposed uses in the building require 30 parking spaces (see chart below).

Use	Calculation per Section 30-19(d) per use	Existing Use	Spaces Required for Existing Use	Proposed Use	Spaces Required for Proposed Uses
CVS (retail)	1 space/300 sq. ft. and 1 space/3 employees	5,850 sq. ft. and 6 employees	22 (20+2)	No change	22
Yoga Studio (Considered a service establishment for the purposes of the parking calculations)	1 space/300 sq. ft. and 1 space/3 employees	N/A	N/A	1,906 sq. ft. and 2 employees	8 (7+1)
TOTAL			22		30

3. There is no parking located immediately on-site. An adjacent lot that is in common ownership has provided parking for the building since at least the 1960's per an affidavit, submitted with the application, from a neighboring businessman. According to the site plan submitted with the application, this parking lot has 23 parking spaces. If these spaces are considered parking for the building, then the applicant would need to obtain a parking waiver of seven spaces ($30-23 = 7$) from the Board of Aldermen. However, after reviewing the site plans submitted, it is unclear whether there is adequate, unimpeded vehicular access to each of the spaces. In addition, it is also unclear whether these spaces are dedicated for the use of the subject building or are used for other purposes. Therefore, the applicants have decided to request a parking waiver from the Board of Aldermen under Section 30-19(m) for all eight spaces required for their proposed use. This will ensure that they do not have to rely on the legality of the parking spaces on the adjacent lot to meet their parking demand.

4. See "Zoning Relief Summary" below:

<i>Zoning Relief Summary</i>		
<i>Ordinance</i>	<i>Site</i>	<i>Action Required</i>
§30-19(d)(10), 30-19(m)	Waive eight required parking spaces.	SP per §30-24

Plans and materials reviewed:

- Letter from Stephen J. Buchbinder to Eve Tapper dated August 6, 2009
- Letter from David Nixon to Eve Tapper dated June 23, 2009
- Letter from Patrick Watson-Hogan, President of ZVI Construction Co., LLC dated July 23, 2009, detailing the FAR calculation for the building
- "Parking Calculation, Proposed Down Under Yoga Studio, 304-306 Walnut Street"
- "DWG. No. A-1, Existing Conditions Floor Plans, Down Under Yoga Studio, 304 Walnut Street, Newtonville, Mass," dated July 21, 2009, signed and stamped by David W. Myers, registered architect
- "DWG No. A-2, Proposed Floor Plans, Down Under Yoga Studio, 304 Walnut Street, Newtonville, Mass," dated July 21, 2009, signed and stamped by David W. Myers, registered architect
- "Site Plan of Land in Newton, MA, 304-306 Walnut Street to accompany the petition of Down Under Yoga, LLC, 304-306 Walnut Street, Newton, MA," dated July 22, 2009, signed and stamped by Bruce Bradford, professional land surveyor
- "Area Plan of Land in Newton, MA to accompany the petition of Down Under Yoga, LLC, 304-306 Walnut Street, Newton, MA," dated July 22, 2009, signed and stamped by Bruce Bradford, professional land surveyor